

General Complaint

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

Erika Lynn Wittorf

Case Number : 4:20cv573-SDJ-CAN

List the full name of each plaintiff in this action.

VS.

City of Frisco; Frisco Police Department  
; David Philson; "Jaime" Mike Gonzalez

List the full name of each defendant in this action.  
Do not use "et al".

Attach additional pages if necessary.

I. ATTEMPT TO SECURE COUNSEL:

Please answer the following concerning your attempt to secure counsel.

A. In the preparation of this suit, I have attempted to secure the aid of an attorney as follows: (circle one)

1. Employ Counsel
- ☒ 2. Court - Appointed Counsel
3. Lawyer Referral Service of the State Bar of Texas,  
P. O. Box 12487, Austin, Texas 78711.

B. List the name(s) and address(es) of the attorney(s):

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C. Results of the conference with counsel:

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II. List previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action or any other incidents? \_\_\_\_\_ Yes \_\_\_\_\_ ~~X~~ No

B. If your answer to "A" is "yes", describe the lawsuit in the space below. If there is more than one lawsuit, attach a separate piece of paper describing each.

1. Approximate file date of lawsuit: \_\_\_\_\_

2. Parties to previous lawsuit(s):

Plaintiff \_\_\_\_\_

Defendant \_\_\_\_\_

Attach a separate piece of paper for additional plaintiffs or defendants.

3. Identify the court the lawsuit was filed. If federal, name the district. If state, name the county.

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4. Docket number in other court. \_\_\_\_\_

5. Name of judge to whom the case was assigned.

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6. Disposition: Was the case dismissed, appealed or still pending?

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7. Approximate date of disposition. \_\_\_\_\_

## III. Parties to this suit:

## A. List the full name and address of each plaintiff:

Pla #1 ~~City of Frisco~~ <sup>Frisco Police Department</sup> also David Shilson also Mike "Jamie" Gonzalez  
 7200 Stonebrook Parkway  
 Frisco, Texas 75034 phone number 1-972-992-6012

Pla #2 City of Frisco % George Purefoy  
 6101 Frisco Square Blvd 4th Floor  
 Frisco, TX 75034  
 (972) 992-5200

## B. List the full name of each defendant, their official position, place of employment and full mailing address.

Dft #1: David Shilson, Police Department Chief and  
 former head of Investigative Unit of the Frisco Police  
 Department.

Dft #2: Jamie "Mike" Gonzalez - Investigator who acted  
 under color of law. Solely, based on a photograph  
 and/or identification from a community member accused with

Dft #3 Richard Abernathy and Victor Cristales, attorneys  
 for Frisco Police Department and City of Frisco and  
 other named defendants (specifically Mike "Jamie" Gonzalez)

Attach a separate sheet for additional parties.

~~Dft #4 Unidentified~~

IV: Statement of Claim:

State as briefly as possible the fact of your case. Describe how each defendant is involved. Include the names of other persons involved with dates and places. Do not give any legal arguments or cite cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need, attaching additional pages if necessary.

See paperwork : first complaint, then other facts,  
then supplements

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

ERIKA WITTORF

*Plaintiff,*

v.

FRISCO POLICE DEPARTMENT

AND

CITY OF FRISCO, TEXAS,

*Defendants.*

Case No. \_\_\_\_\_

**COMPLAINT FOR:**

**1. 42 U.S. CODE § 1983; CIVIL ACTION  
FOR DEPRIVATION OF RIGHTS**

**UNLIMITED CIVIL DEMAND  
OVER \$5,000.00**

**COMPLAINT**

COMES NOW, Plaintiff, ERIKA WITTORF, and hereby submits this Complaint for damages against Defendants, FRISCO POLICE DEPARTMENT AND THE CITY OF FRISCO, TEXAS and alleges the following:

**PARTIES AND JURISDICTION**

1. Plaintiff, ERIKA WITTORF, [hereinafter referred to as "WITTORF" or "Plaintiff"] is and was a resident of Collin County, Texas, at all times relevant to the facts and claims set forth within this Complaint.

2. Defendant, FRISCO POLICE DEPARTMENT [hereinafter referred to as "FRISCO PD" or "DEFENDANT"], is and was a Texas government entity at all times relevant to the facts and claims set forth within this Complaint, with a principal address of 7200 STONEBROOK PARKWAY, FRISCO, TEXAS 75034.

3. Defendant, CITY OF FRISCO [hereinafter referred to as "CITY" or "Defendant"], is and was a Texas government entity at all times relevant to the facts and claims set forth within this Complaint, with a principal address of George A. Purefoy Municipal Center, 6101 Frisco Square Blvd., Frisco, Texas, 75034.

**DAMAGES FOR CIVIL ACTION FOR DEPRIVATION OF RIGHTS**

**42 U.S. CODE § 1983**

(Against all Defendants)

4. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 3 above as though set forth herein.

5. <sup>November 8th</sup> In 2019, Plaintiff received a citation via mail containing an allegation of theft based upon a video which allegedly shows Plaintiff stealing from a store in Frisco, Texas, being Market Street/United Supermarkets, 5200-1524 Town and Country Blvd., Frisco, Texas 75034.

6. Plaintiff did not steal any items as accused and maintains her innocence.

7. During the course of the investigation, Plaintiff did not receive a fair opportunity to defend herself, and her requests to speak to the investigators and citing officers were denied.

8. Due to pre-existing mental and physical conditions, Plaintiff could not stand trial, and was forced to plead guilty to a crime which she did not commit.

9. Plaintiff was not provided with evidence which could exculpate her, nor was she informed of the court procedures she was facing.

**PRAYER FOR RELIEF**

Plaintiff has been damaged by the Defendants' actions as set forth herein and is entitled to an award of its expenses of litigation, including attorney's fees.

WHEREFORE, Plaintiffs pray:


**FIRST CAUSE OF ACTION**

1. For general damages according to proof;
2. For special damages according to proof;
3. For prejudgment interest on said sum to the date of judgment herein;
4. For an award of attorney's fees, in an amount the court determines to be reasonable in the event Plaintiffs later retain counsel to represent them in this action;

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial as to all causes of action set forth within the Complaint.



A handwritten signature in black ink, appearing to read "Erika Wittorf", is written over a horizontal line.

ERIKA WITTORF  
1801 MCCORD WAY, #324, FRISCO, TX  
75033  
214-636-5273  
ERIKALYNNWITTORF@GMAIL.COM

- V. Relief: State Briefly exactly what you want the court to do for you. Make no legal arguments and do not cite cases or statutes. Attach additional pages if necessary.

Encourage defendants to accomodate people with disabilities.  
 Encourage defendants to conduct thorough investigations.  
 Encourage defendants to investigate all internal affairs, complaints from citizens even those related to a pending court proceeding.  
 Payment of special and general damages.  
 Reasonable accomodations for pinched nerve injury. I may have to stand.  
 In advance, seal medical and financial records for Erika Witterf.  
 Reasonable accomodations in the event Plaintiff must have surgery.

Signed this 25<sup>th</sup> day of July (Month), 20 20 (Year).

Erika Witterf

I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on: July 25<sup>th</sup>, 2020  
 Date

Erika Witterf

Signature of each plaintiff